



CERTIFICATE OF MAILING  
UNDER 37 CFR 1.8(a) 1 FW

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Alexandria VA 22313 on

08 June 2004  
HUESCHEN AND SAGE

Michelle M. Cusick  
Dated: 08 June 2004

SERVIER 412

\* \* \* \* \*

Applicant : Sylvain RAULT, Marina KOPP, Jean-Charles LANCELOT,  
Stephane LEMAITRE, Daniel-Henri CAIGNARD, Jean-Guy  
BIZOT-ESPIARD, Pierre RENARD

Serial No. : 10/689,394

Filed : October 20, 2003

Title : IMIDAZOLINE COMPOUNDS

Art Unit : 1626

Examiner : Golam M. SHAMEEM, Esq.

\* \* \* \* \*

Honorable Commissioner of Patents and Trademarks  
Alexandria, VA 22313

RESPONSE AND ELECTION UNDER 37 CFR §§ 1.111 AND 1.142

Sir:

Responsive to the Office Action, a Restriction Requirement, dated May 14, 2004, it is the position of the Office that the application pertains to a plurality of patentably distinct inventions. The applicants **traverse** this conclusion on the grounds that a chemist would not find the instant invention to involve structurally distinct inventions. Moreover, the applicants assert that Group II is part of the claimed invention. Restriction Group I is drawn to substances, an important characteristic of which substances is their pharmacological activity.

Such activity is claimed in the form of method claims. Therefore, the restriction of the instant invention into a group directed to the substance and another group directed to the method or pharmacological characteristic of the substance is without basis.

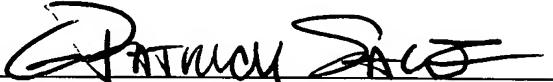
None-the-less, in an effort to advance the prosecution of the instant application, the applicants elect ***with traverse*** to prosecute the compounds of Group I of the Restriction Requirement. Applicants designate the species of Example 6, 2-[cyclohexyl(3-thienyl)methyl]-4-methyl-4,5-dihydro-1*H*-imidazole, as representative of Group I. Moreover, the applicants respectfully request that the Examiner include at least one method of treatment claim from Group II for simultaneous prosecution with the substance claims of Group I. The applicants hereby designate the claim to treatment of *pathologies associated with non-insulin dependent type II diabetes* for such examination.

Alternatively, the Examiner may withdraw all non-elected claims of Group II without prejudice to their rejoinder during later examination and/or prosecution in a Divisional Application under MPEP § 821.04.

Accordingly, entry of the present Election into the record of this application, and favorable action on the merits thereof, are respectfully solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

By:   
G. PATRICK SAGE

Dated: June 8, 2004  
Customer No.: 25,666  
500 Columbia Plaza  
350 East Michigan Ave.  
Kalamazoo, MI 49007-3856  
(269) 382-0030

Enclosure: Postal Card Receipt

\*\*\*\*\*

**THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FURTHER OR  
ADDITIONAL FEES WHICH MAY BE REQUIRED (DUE TO OMISSION,  
DEFICIENCY, OR OTHERWISE), OR TO CREDIT ANY OVERPAYMENT, TO  
DEPOSIT ACCOUNT NO. 08,3220.**